

# SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K STREET, NW, SUITE 300  
WASHINGTON, DC 20007-5116  
TELEPHONE (202) 424-7500  
FACSIMILE (202) 424-7645

NEW YORK OFFICE  
919 THIRD AVENUE  
NEW YORK, NY 10022-9998  
(212) 758-9500 FAX (212) 758-9526

**RECEIVED**

May 24, 1999  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

**VIA HAND DELIVERY**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: Ex Parte Presentation in CC Docket No. 98-84  
McLeodUSA Telecommunications Services, Inc. Petition for Preemption

Dear Ms. Salas:

Pursuant to Sections 1.1206(a) and (b) of the Commission's Rules, 47 C.F.R. § 1.1206(a) and (b), this letter is to provide notice of an *ex parte* presentation in the above-referenced proceeding on Friday, May 21, 1999. This presentation was made by Patrick J. Donovan and Michael R. Romano of Swidler Berlin Shereff Friedman, LLP, to Ann Stevens and Julie Patterson of the Policy and Program Planning Division of the Common Carrier Bureau. The purpose of the meeting was to provide the Commission with further insight into how the withdrawal of US West's Centrex Plus service in Nebraska has unlawfully restricted McLeodUSA's efforts to provide competitive services in that state. We discussed the following points:

- the factual background leading up to the filing of the petition for preemption by McLeodUSA;
- how the Nebraska Public Service Commission's ("PSC") failure to examine the anticompetitive effects of U S WEST's withdrawal of Centrex Plus service under federal law has harmed the development of competition in that state;
- how local competition through resale in Nebraska compares to the state of resale competition in other surrounding jurisdictions where Centrex Plus is available for resale;
- why sections 251 and 253 of the Communications Act, as amended, provide the Commission with the authority to address the withdrawal of Centrex in Nebraska; and

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- what steps the Commission might take to address the anticompetitive effects of the withdrawal of Centrex Plus by U S WEST.

McLeodUSA also provided a one-page comparison of the total number of non-residential access lines served by U S WEST and the total number of non-residential access lines served by competitors in Nebraska and in the surrounding jurisdictions. A copy of this document is attached to this filing for inclusion in the public record.

Thank you for your attention to this correspondence. Pursuant to the Commission's rules, an original and one (1) copy of this letter and the relevant attachments are provided. A copy of this filing has also been sent to all parties on the service list in this docket, as required by the Public Notice in this matter. Please date stamp and return the additional copy of this filing for our records.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Romano", with a long horizontal flourish extending to the right.

Michael R. Romano

Counsel for  
McLeodUSA Telecommunications Services, Inc.

Enclosures

cc: Ann Stevens  
Julie Patterson  
Service List

**RESALE COMPETITION IN NEBRASKA  
AND NEIGHBORING U S WEST STATES  
(As Measured by Reports Filed by U S WEST  
in the Commission's Third Survey of Local Competition)**

**Nebraska**

Non-Residential Lines Served by U S WEST:	154,088
Non-Residential Lines Served by Resellers:	1,727 <sup>1</sup>

**Colorado**

Non-Residential Lines Served by U S WEST:	761,433
Non-Residential Lines Served by Resellers:	19,876

**Iowa**

Non-Residential Lines Served by U S WEST:	237,732
Non-Residential Lines Served by Resellers:	86,800

**Minnesota**

Non-Residential Lines Served by U S WEST:	655,349
Non-Residential Lines Served by Resellers:	65,161

**North Dakota**

Non-Residential Lines Served by U S WEST:	61,948
Non-Residential Lines Served by Resellers:	11,685

**South Dakota**

Non-Residential Lines Served by U S WEST:	74,960
Non-Residential Lines Served by Resellers:	13,253

**Wyoming**

Non-Residential Lines Served by U S WEST:	72,497
Non-Residential Lines Served by Resellers:	4,581

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<sup>1</sup> Although McLeodUSA serves both residential and business customers through a resold Centrex Plus platform, U S WEST has apparently categorized all Centrex lines on its Local Competition Report as "Non-residential." The total number of resold lines provided here represents both lines provided under a Total Service Resale arrangement and those provided under other resale arrangements, including Centrex.

**CERTIFICATE OF SERVICE**

I, Michael R. Romano, hereby certify that a copy of the foregoing *Ex Parte* Presentation in CC Docket No. 98-84, McLeodUSA Telecommunications Services, Inc. Petition for Preemption was sent to each of the following parties by hand delivery\* and by postage prepaid, U.S. Mail on this 24<sup>th</sup> day of May, 1999.

**SEE ATTACHED SERVICE LIST**

A handwritten signature in black ink, appearing to read "Michael R. Romano", written over a horizontal line.

Michael R. Romano

**SERVICE LIST FOR DOCKET NO. 98-84**

Don Stenberg  
Nebraska Attorney General  
2115 State Capital  
Lincoln NE 68505

Robert R. Logsdon, Executive Director  
Nebraska Public Service Commission  
300 The Atrium  
1200 N Street  
Lincoln NE 68509

Frank E. Landis  
Vice-Chairman  
Nebraska Public Service Commission  
300 The Atrium  
1200 N Street  
Lincoln NE 68509

A. L. Bergman  
US West Communications  
1314 Douglas on the Mall  
14<sup>th</sup> Floor  
Omaha NE 68102

Honorable Lowell C. Johnson  
Chairman  
Nebraska Public Service Commission  
300 The Atrium  
1200 N Street  
Lincoln NE 68509

Mark P. Trincherio  
James Blitz  
Keith L. Kutler  
Davis Wright Tremaine LLP  
1155 Connecticut Avenue, N.W., Suite 700  
Washington, D.C. 20036

Robert J. Aamoth  
Joan M. Griffin  
Andrea D. Pruitt  
Kelley Drye & Warren LLP  
1200 19<sup>th</sup> Street, N.W., Fifth Floor  
Washington, D.C. 20036

Kecia Boney  
Lisa B. Smith  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, N.W.  
Washington, DC 20554

Emily M. Williams  
Association for Local Telecommunications Services  
888 17<sup>th</sup> Street, N.W. Suite 900  
Washington DC 20006

Charles C. Hunter  
Catherine M. Hannan  
Hunter Communications Law Group  
1620 I Street, N.W., Suite 701  
Washington DC 20006

Robert B. McKenna  
US West Communications, Inc.  
1020 19<sup>th</sup> Street, N.W.  
Suite 700  
Washington DC 20036

Catherine R. Sloan  
Richard L. Fruchterman III  
Richard S. Whitt  
8<sup>th</sup> Floor  
1801 Pennsylvania Avenue, N.W.  
Washington DC 20006

David N. Porter  
Room 409  
1133 19<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

Ronald Binz  
Debra Berlyn  
John Windhausen, Jr.  
Competition Policy Institute  
1156 15th St., N.W.  
Suite 520  
Washington, D.C. 20005

Magalie Roman Salas, Esq.\*  
Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, DC 20554

ITS (1)\*  
1231 20<sup>th</sup> Street, N.W.  
Washington, DC 20554

Janice Myles\*  
Common Carrier Bureau  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, DC 20554

Cecilia Stephens\*  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, DC 20554

Chairman William Kennard\*  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington DC 20554

Commissioner Susan Ness\*  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington DC 20554

Commissioner Harold Furchtgott-Roth\*  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington DC 20554

Commissioner Michael Powell\*  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington DC 20554

Commissioner Gloria Tristani\*  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington DC 20554